

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

CARL WATTS

PLAINTIFF

v.

No. 3:13CV219-MPM-DAS

**DR. K. WILLIAMS
WARDEN T. OUTLAW**

DEFENDANTS

MEMORANDUM OPINION

This matter comes before the court on the *pro se* prisoner complaint of Carl Watts, who challenges the conditions of his confinement under 42 U.S.C. § 1983. For the purposes of the Prison Litigation Reform Act, the court notes that the plaintiff was incarcerated when he filed this suit. The defendants have moved to dismiss the complaint. The plaintiff has not responded to the motion, and the deadline for response has expired. For the reasons set forth below, the instant case will be dismissed for failure to state a claim upon which relief could be granted.

Factual Allegations

On September 13, 2012, Carl Watts' right leg started hurting. In October, Watts saw Dr. Williams, who prescribed pain medications. On May 16, 2013, Williams stopped prescribing pain medications for Watts, leaving him in constant pain. Later, Dr. Stallworth prescribed pain medication. Dr. Williams did not try to determine the source of Watts' pain. Williams thought Watts was malingering, as x-rays did not reveal any problems with Watts' leg. Watts then saw Dr. Stallworth again, and he sent Watts to a doctor in Olive Branch, Mississippi. An MRI and other diagnostic testing revealed that Watts had a bad disc in his back, and that was the source of his pain. Dr. Williams and Dr. Stallworth are giving Watts medication for pain, but it does not relieve all the pain. Other inmates with disc problems have been prescribed wheelchairs, canes, and crutches, but Watts

has not received any of these things. Watts still suffers pain in his leg, and he now has trouble walking.

Discussion

The defendants in this case have moved to dismiss the instant case based upon various aspects of state law, including Miss. Code Ann. § 15-1-36(15), which places strict notice requirements when a plaintiff sues a healthcare provider in state court. The instant case, however, is brought under 42 U.S.C. § 1983, which is not affected by the state statute in question. As such, the instant motion [20] to dismiss is **DENIED**.

SO ORDERED, this, the 6th day of June, 2014.

/s/ MICHAEL P. MILLS
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI